

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 146 be amended to read as follows:

- 1 Page 2, line 6, delete "death;" and insert "**death, unless a court**
- 2 **finds that the spouse maintains due affection, trust, and regard for**
- 3 **the decedent.**".
- 4 Page 4, between lines 34 and 35, begin a new paragraph and insert:
- 5 **"(i) A spouse seeking a judicial determination that the spouse**
- 6 **maintains due affection, trust, and regard for the decedent under**
- 7 **subsection (a)(3)(A) may petition the court having jurisdiction over**
- 8 **the dissolution or separation proceeding to make this**
- 9 **determination by filing the petition under the same cause number**
- 10 **as the dissolution or separation proceeding. The spouse who files**
- 11 **a petition under this subsection is not required to pay a filing fee.**".
- 12 Page 5, line 20, strike "an individual" and insert "**a person**".
- 13 Page 5, line 23, strike "An individual" and insert "**A person**".
- 14 Page 5, line 38, delete "death;" and insert "**death, unless a court**
- 15 **finds that the spouse maintains due affection, trust, and regard for**
- 16 **the decedent.**".
- 17 Page 7, line 11, strike "an individual" and insert "**a person**".
- 18 Page 7, line 12, strike "individuals" and insert "**persons**".
- 19 Page 8, between lines 24 and 25, begin a new paragraph and insert:
- 20 **"(i) A spouse seeking a judicial determination that the spouse**
- 21 **maintains due affection, trust, and regard for the decedent under**
- 22 **subsection (a)(1)(C)(i) may petition the court having jurisdiction**
- 23 **over the dissolution or separation proceeding to make this**
- 24 **determination by filing the petition under the same cause number**
- 25 **as the dissolution or separation proceeding. The spouse who files**
- 26 **a petition under this subsection is not required to pay a filing fee.**".
- 27 Page 9, line 11, delete "death;" and insert "**death, unless a court**
- 28 **finds that the spouse maintains due affection, trust, and regard for**
- 29 **the decedent.**".

1 Page 11, between lines 39 and 40, begin a new paragraph and insert:
2 **"(j) A spouse seeking a judicial determination that the spouse**
3 **maintains due affection, trust, and regard for the decedent under**
4 **subsection (a)(3)(A) may petition the court having jurisdiction over**
5 **the dissolution or separation proceeding to make this**
6 **determination by filing the petition under the same cause number**
7 **as the dissolution or separation proceeding. The spouse who files**
8 **a petition under this subsection is not required to pay a filing fee."**
 (Reference is to SB 146 as printed January 19, 2011.)

Senator YOUNG R MICHAEL